

GOVERNOR'S OFFICE FOR CHILDREN, YOUTH, AND FAMILIES
DIVISION FOR CHILDREN

ARIZONA JUVENILE JUSTICE COMMISSION

Plan for Separation of Juveniles and Incarcerated Adults

Introduction

Arizona continues to receive a finding of compliance with the Separation core requirement [Section 223(a)(13)(A)] of the JJDP Act.

The sight and sound separation of juveniles from incarcerated adults is not a prominent issue in Arizona, as any incidents of non-compliance are isolated incidents and usually result from staff training issues. Only two violations were reported in Arizona's 2002 Compliance Monitoring Report; these two violations are the same violations reported in Arizona's 2001 Compliance Monitoring Report, and had to be reported again due to a change in the reporting year covered in the annual report. Therefore, there have been no violations of this core requirement in over a year and a half.

➤ Strategy, Specific Activities, and Time Frame

The following table describes specific strategies, activities, and time frames outlined to address separation violations in Arizona:

Strategy	Activity	Time Frame
Continue Site Visits	<ul style="list-style-type: none">➤ Continue to conduct regular site visits to provide regular, on-site technical assistance and education regarding core requirements➤ Work with departments regarding new facilities to ensure compliance with core requirements is considered➤ Collect policies and to ensure consistency with core requirements	<ul style="list-style-type: none">➤ Continuous, and on an as-needed basis
Develop Training Materials	<ul style="list-style-type: none">➤ Develop a training manual that may be distributed to all law enforcement agencies/juvenile detention agencies regarding core requirements➤ Develop survey to distribute to law enforcement/juvenile detention to determine training needs	<ul style="list-style-type: none">➤ Completion of manuals to be determined based upon issuance of final regulations on reauthorization➤ Survey to be designed/distributed/collected and compiled by March 2004

Strategy	Activity	Time Frame
Provide Facility-Specific Training Tools	<ul style="list-style-type: none"> ➤ Utilize survey results to determine what facility-specific needs are ➤ Develop training tools for agency (signs, manual supplements, etc.) to assist department with training efforts 	<ul style="list-style-type: none"> ➤ Utilize results of survey – estimated completion by December 2004 (will depend upon facility responses and depth of needs)
Conduct Immediate Follow-up on Violations Reported	<ul style="list-style-type: none"> ➤ Phone/Email follow-up to determine circumstances of violation and any necessary follow-up activities (department training, etc.) 	<ul style="list-style-type: none"> ➤ Continuous
Enhancement of Database to Collect Violation Circumstances	<ul style="list-style-type: none"> ➤ Add fields in the Compliance Monitoring Universe database to collect information regarding situations causing violations to identify areas training needs to prevent future violations 	<ul style="list-style-type: none"> ➤ Enhancement of Database Completed by July 2003

Adjudicated offenders in Arizona are not reclassified administratively and transferred to an adult correctional facility to avoid the intent of segregating adults and juveniles in a correctional facility. Arizona Revised Statute (A.R.S.) § 8-305, Paragraph B, requires that juveniles and adult be separated in an adult facility stating,

“The board of supervisors or the county jail district, if authorized pursuant to title 48, chapter 25, may provide for the detention of juveniles who are accused or convicted of a criminal offense in a jail or lockup in which adults are confined. A juvenile who is confined in a jail or lockup in which adults are confined shall be kept in a physically separate section from any adult who is charged with or convicted of a criminal offense, and no sight or sound contact between the juvenile and any charged or convicted adult is permitted, except to the extent authorized under federal laws or regulations.”

Barriers to Achieving Full Compliance with Separation

Barrier	Possible Courses to Overcome	Resources
<ul style="list-style-type: none">➤ Ongoing training and education is required, as facility staff turnover may contribute to noncompliance of this core requirement.	<ul style="list-style-type: none">➤ Develop a training manual that may be distributed to all law enforcement agencies regarding core requirements➤ Develop other training materials to assist departments in their compliance training efforts	<ul style="list-style-type: none">➤ JJDP Title II funds used to support compliance monitoring activities, such as regular site visits and production/distribution of training materials.➤ OJJDP technical assistance training when necessary
<ul style="list-style-type: none">➤ Smaller and rural law enforcement facilities often have limited space and /or staff to facilitate separation of juvenile and adult offenders.	<ul style="list-style-type: none">➤ Continue conducting site visits to any facilities reporting difficulty in meeting the separation requirement to develop alternative procedures.	<ul style="list-style-type: none">➤ Facility resources to utilize alternative placements for juvenile offenders➤ OJJDP technical assistance regarding how to maintain separation requirements if none can be readily identified

Positives in Addressing Compliance with Separation in Arizona

As stated in the beginning of this section, this core requirement is not a critical issue in Arizona. There are several favorable factors that support this fact:

- A.R.S. § 8-305 prohibits sight or sound contact between juveniles and adults in custody.
- Relationship with facilities that fall under the compliance monitoring universe is very cooperative.
- Many local law enforcement agencies have implemented department policies and procedures that either reference the JJDP Act or are in accordance with its core requirements.
- Facilities maintain adequate record-keeping systems regarding juveniles temporarily held in the facility.
- Adult jails and lockups may request technical assistance regarding remodeling or building of new facilities to ensure compliance with this regulation is cultivated in the plans (such as secure areas specifically for adult and juvenile use that meet separation requirements), including collocated facilities.

Role of the State Advisory Group in Monitoring Compliance

The Arizona Juvenile Justice Commission, Arizona's State Advisory Group, reviews compliance issues on a regular basis through the Compliance/Legislative subcommittee. The Committee is apprised of various issues affecting compliance status around the state, and advised of completed and pending site visits. The Arizona Juvenile Justice Commission members are also advised of all compliance monitoring site visits and invited to attend.